

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

JOHN SMITH,

Plaintiff,

v.

UNUM LIFE INSURANCE CO. OF AMERICA,

Defendant.

Case No. 1:11-cv-24

Weber, J.  
Bowman, M.J.

**ORDER**

Plaintiff filed ERISA claims against Defendant, alleging in part that Defendant breached its fiduciary duties under ERISA and engaged in unlawful interference with Plaintiff's rights. Although ERISA claims ordinarily are resolved on the administrative record and therefore do not involve traditional discovery, in this case Plaintiff filed a motion seeking discovery under an exception to that general rule. (Doc. 10). Shortly after Plaintiff filed his motion, the case was referred for mediation and the pending motion was stayed. (Doc. 15).

When the parties reported on January 17, 2012 that their attempts to mediate their case proved unsuccessful, the previously filed motion for discovery was reactivated and referred to the undersigned magistrate judge. (Doc. 18). On January 19, 2012, the Court directed Defendant to file any opposition to the motion on or before February 9, 2012. (Doc. 19). Defendant chose not to file any response. As the Plaintiff's motion suggests that Plaintiff is entitled to limited discovery, and as the motion is unopposed by Defendant,

**IT IS ORDERED THAT:**

1. Plaintiff's motion for discovery (Doc. 10) is **GRANTED**;
2. In light of the expiration of all dates listed in the parties' previously proposed briefing schedule (Doc. 12), the parties shall file a new proposed briefing schedule as soon as practicable, but not later than **February 29, 2012**.

s/ Stephanie K. Bowman

Stephanie K. Bowman  
United States Magistrate Judge